

PENACHIO MALARA LLP
Counsel for the Debtor
245 Main Street, Suite 450
White Plains, New York 10601
(914) 946-2889

HEARING DATE & TIME:
JUNE 9, 2023 AT 10:00 AM

Anne Penachio, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
In re	:	CHAPTER 11
	:	
	:	SUB-CHAPTER V
BUCKINGHAM TOWER CONDOMINIUM, INC.	:	
f/k/a BUCKINGHAM OWNERS, INC.	:	
	:	CASE NO.: 22-22403(SHL)
Debtor.	:	
-----	X	

CERTIFICATION OF BALLOTS

The above-captioned Debtor having filed an Amended Small Business SubChapter V Plan of Liquidation dated May 11, 2023 (the "Plan"); and ballots on said Plan having been solicited by Penachio Malara, LLP, attorneys for the Debtor, and Class 5 being the only impaired Classes of claimholders, it is hereby certified that the ballots have been filed with Penachio Malara, LLP, counsel to the Debtor as follows:

Class 1- Allowed Secured Claim of Titan

Unimpaired and Not Entitled to Vote

Class 2 – Allowed Tax Claims of the City of Yonkers

Unimpaired and Not Entitled to Vote

Class 3- Allowed Priority Claims

Unimpaired and Not Entitled to Vote

Class 4 – TB Yonkers

Unimpaired and Not Entitled to Vote (Treated as a wholly unsecured claim)

Class 5- General Unsecured Claims

Impaired and Entitled to Vote

Accepting	<u>Amount</u>	<u>Claimant</u>
1	\$201,191.00	Buckingham Tower
2	<u>\$121,000.00</u>	615 Warburton
Total accepting:	\$322,191.00	
Rejecting	<u>Amount</u>	<u>Claimant</u>
1	\$415,118.25	TB Yonkers Holding, LLC
Total of all votes:	\$737,209.25 (66.6% = \$491,047.96)	

It appears therefore that:

- a. Holders of claims in Classes 1-4 are unimpaired and is deemed to have accepted the Plan under 11 U.S.C. §1126(f); and
- b. Class 5 Claim holders are impaired. 2 claimants with claims aggregating \$322,191.00 have accepted the Plan. 1 claimant aggregating \$415,118.25 has rejected the Plan. As such, Class 5 Claim holders holding at least 2/3 in amount of voted claims and 1/2 number of voted claims have not voted to accept the Plan under 11 U.S.C. §1126(d).

Based upon the foregoing, the Plan has not been accepted by the requisite number of creditors holding at least 2/3 of the claims. However, the Debtor will be seeking confirmation of the Plan under rules applicable to SubChapter V.*

*All voters have claims that have been informally objected to and will be within the purview of the SubChapter V Trustee as plan administrator to object.

Dated: White Plains, New York
June 7, 2023

PENACHIO MALARA, LLP

By: /s/ Anne Penachio
Anne Penachio
Attorneys for the Debtor
245 Main Street, Suite 450
White Plains, NY 10601
(914) 946-2889

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In re

BUCKINGHAM TOWER CONDOMINIUM, INC.
f/k/a BUCKINGHAM OWNERS, INC..

CHAPTER 11
(Subchapter V)

CASE NO.: 22-22403-shl

Debtor

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**CLASS 5 BALLOT FOR ACCEPTING OR REJECTING AMENDED CHAPTER 11
SMALL BUSINESS SUBCHAPTER V PLAN**

ANNE PENACHIO, ESQ. filed an amended Chapter 11 Small Business Subchapter V Plan dated May 11, 2023 (the "Plan") for the Debtor in this case.

You should review the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your claim has been placed in Class 5 under the Plan. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.

If your ballot is not received by Anne Penachio, Esq., by first class or overnight mail at Penachio Malara LLP, 245 Main Street, Suite 450, White Plains, New York and/or by- mail anne@penachio.com and/or by facsimile at (914) 206-4884, so that it is received on or before JUNE 2, 2023 no later than 5:00 PM Eastern Standard Time and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

Acceptance or Rejection of the Plan

[If the voter is the holder of a secured, priority or unsecured nonpriority claim]

The undersigned, the holder of a Class 5 claim against the debtor in the unpaid amount of Dollars (\$201,191)

[or, if the voter is the holder of a bond, debenture, or other debt security]

Check one box only

☒ Accepts the Plan

☐ Rejects the Plan

Dated: 5/24/23

Print or type name:

Jonathan Carrozza

Signature:



Address:

Officer

244 West 54th Street, New York, New York, 10019

Return this ballot to:

Penachio Malara, LLP
Attn: Anne Penachio, Esq.
245 Main Street, Suite 450
White Plains, NY 10601
anne@pmlawllp.com
Fax: (914) 206-4884

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(Subchapter V)

BUCKINGHAM TOWER CONDOMINIUM, INC.
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The undersigned, the holder of a Class 5 claim against the debtor in the unpaid amount of Dollars(\$ 121,000)

[or, if the voter is the holder of a bond, debenture, or other debt security]

Check one box only

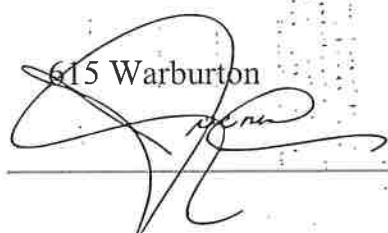
- ☒ Accepts the Plan
☐ Rejects the Plan

Dated: 5/24/23

Print or type name:

Signature:

Address:

615 Warburton


Title if a corporation ,

Return this ballot to:

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Attn: Anne Penachio, Esq.
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anne@pmlawllp.com
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The undersigned, the holder of a Class 5 claim against the debtor in the unpaid amount of Dollars (\$)

415,118.25

[or, if the voter is the holder of a bond, debenture, or other debt security]

Check one box only

- ☐ Accepts the Plan
☒ Rejects the Plan

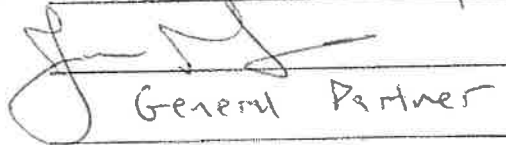
Dated:

June 1, 2023

Print or type name:

Jason Harkavy

Signature:



Title, (if corporation or partnership)

General Partner

Address:

76 Brookwillow Ave

West Long Branch, NJ 07764

Return this ballot to:

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